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OCT 24 2013

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UNITED STATES OF AMERICA  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA  
VERSUS  
KIMBERLY ANN THOMPSON

CRIMINAL NO. 2:11CR00107-02  
JUDGE MINALDI  
MAGISTRATE JUDGE KAY

JUDGMENT

Having considered the defendant's Motion to Vacate, Set Aside or Correct Sentence Pursuant to §2255 (Rec. Doc. 127),

IT IS ORDERED that this motion IS DISMISSED AS UNTIMELY. More than one year has passed since the defendant's conviction became final. Additionally, *Alleyne v. United States*, 133 S.Ct. 2151 (2013) has not been made retroactively applicable to cases on collateral review.

Considering the record in this case and the requirements of 28 U.S.C. § 2255, the court hereby finds that a certificate of appealability is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

Lake Charles, Louisiana, this 23 day of <sup>October</sup> ~~August~~, 2013.

  
PATRICIA MINALDI  
UNITED STATES DISTRICT JUDGE